

From: Allison Castellan - NOAA Federal
To: Henning, Alan
Sent: 10/21/2014 11:17:37 AM
Subject: Rds RTC

A. Forestry Road Management

Comment: Several commenters were concerned about Oregon’s inadequate practices to control polluted runoff from forest roads. Examples of negative impacts of logging roads to the watershed and habitat were noted by various commenters. One group noted that existing rules for forest roads are vague and prioritize logging over water quality protection. For example, they claimed Oregon’s road location rule, which only requires operators to minimize risk to streams rather than requiring them to avoid water quality problems, is not sufficient. Other concerns commenters raised with Oregon’s current rules for forest roads included how the rules are not designed to eliminate delivery of fine sediment or to ensure that delivery does not impair water quality. Commenters also stated that the rules do not require existing, inactive logging roads or “legacy roads” be brought into compliance with water quality standards.

Another group made the argument that while NOAA and EPA have expressed their concerns about forest roads delivering sediment into streams and have requested that the state enact an inventory and reporting program for forest roads, they have not cited any sources supporting these concerns and have presented no basis for the request. The commenter contended that the 2002-2003 changes to the FPA rules to better address forest roads, as well as success under the Oregon Plan for Salmon and Watersheds were detailed in the State's submission and are evidence that the Oregon Forest Practices Act is working as it should. The commenter stated the Board of Forestry is committed to implement additional management measures for forestry roads as needed. The commenter also noted that salmon stocks are recovering.

Source: 57-D, 57-I, 57-N, 57-O, 57-P, 57-R, 57-T, 57-U, 67-B, 75-D, 77-M, 77-N, 77-O, 77-P, 77-Q, 77-P, 77-Q

Response: As discussed more fully in the final findings document, NOAA and EPA continue to maintain that while the State has made some improvements to its management of forestry roads, the 2002-2003 FPA rule changes and voluntary measures are not sufficient to provide the protection needed for water quality and designated uses. As some commenters noted, NOAA and EPA are also concerned that the FPA rules do not address legacy road issues or general maintenance issues for existing roads when construction or reconstruction activities do not trigger the FPA rules. The final findings document also explains that while Oregon's voluntary efforts may have some promise, the State has not satisfied the CZARA requirements to use voluntary programs, backed-by enforceable authorities, to support this additional management measure. Finally, based on the comments received, NOAA and EPA revised the final findings document to ensure statements made were supported by scientific literature.

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